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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/17/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary

Application No.

09/645,386

Applicant(s)

DAY ET AL.

Examiner

Benjamin R Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Claims 1-57 are pending in this Office Action.

Information Disclosure Statement

The information disclosure statement filed on paper 2 has been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 recites the limitation "embedded file" in claim 14. There is insufficient antecedent basis for this limitation in the claim.

The examiner feels the applicant may have inaccurately numbered the dependent claim and meant claim 17 is dependent on claim 16 as opposed to 14.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 4, 9, 10 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by “A Method for Web Robots Control”, Internet Draft by *Network Working Group*. (Applicant IDS)

Regarding claim 1, a method for searching a data repository managed by a content provider to gather indexable metadata on content at addresses locations at the data repository, comprising: (Network Working Group: Page 2, Introduction – 3 paragraphs)

accessing settings capable of being customized by the content provider, wherein the customized settings provide instructions on how to search the content provider's data repository; (Network Working Group: page 3, Access Method – 2 paragraphs)

accessing content pages at the content provider's data repository; (Network Working Group: page 3, Access Method – 3rd paragraph)

accessing the content of content pages at the content provider's data repository in accordance with instructions included in the accessed customized settings; and (Network Working Group: page 3, Access Method – 3rd and 4th paragraphs)

generating metadata from accessed content pages to add to an index of metadata for accessed addressable locations at the data repository. (Network Working Group: page 2, Introduction 3rd paragraph)

Regarding claim 2, the method of claim 1, wherein the customized settings include parameters and access methods unique to an arrangement of content in the content provider's data repository. (Network Working Group: page 4, File Format Description, paragraphs 3-5)

Regarding claim 3, the method of claim 1, wherein the accessed customizable settings provide addressable locations at the content provider's data repository provided by the content provider, wherein accessing the content pages includes accessing the content pages at the provided addressable locations, wherein metadata is generated for the accessed content pages. (Network Working Group: page 4, File Format Description, paragraphs 3-5; page 7, Examples)

Regarding claim 4, the method of claim 3, wherein the addressable locations comprise uniform resource locator (URL) addresses. (Network Working Group: page 4, File Format Description, paragraphs 3-5; page 7, Examples)

Regarding claim 9, the method of claim 1, wherein the accessed customizable settings further indicate a recursive search setting indicating whether to search hypertext links to linked addressable locations included in the accessed content page, further comprising: (Network Working Group: page 2, Introduction, 3 paragraphs)

accessing a content page at each linked addressable location included if the recursive search setting indicates to recursively search linked addressable locations, wherein metadata is generated for each content page recursively accessed at the linked addressable locations in the accessed content page. (Network Working Group: page 2, Introduction, 2nd paragraph)

Regarding claim 10, the method of claim 9, wherein the accessed customizable settings further provide prohibited addressable locations at the data repository, wherein metadata is not generated for each content page at a linked addressable location that is one indicated prohibited address location. (Network Working Group: page 2, Introduction, 3 paragraphs; page 5, The Allow and Disallow lines)

Regarding claim 18, the method of claim 1, further comprising:

distributing a collection tool to content providers capable of accessing and generating metadata for content provider data repositories using the accessed customizable settings; and (Network Working Group: Page 2, Introduction – 3 paragraphs)

collecting metadata data gathered from multiple content providers using the collection tool to gather metadata on their data repositories; (Network Working Group: Page 2, Introduction – 3 paragraphs)

Claims 21-24, 29-30, 38, 39-42, 47-48, and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by “A Method for Web Robots Control”, Internet Draft by *Network Working Group*. (Applicant IDS)

Regarding claim 21, a system for searching a data repository managed by a content provider to gather indexable metadata on content at addresses locations at the data repository, comprising: (Network Working Group: Page 2, Introduction – 3 paragraphs)

means for accessing settings capable of being customized by the content provider, wherein the customized settings provide instructions on how to search the content provider's data repository; (Network Working Group: page 3, Access Method – 2 paragraphs)

means for accessing content pages at the content provider's data repository; means for accessing the content of content pages at the content provider's data repository in accordance with instructions included in the accessed customized settings; and (Network Working Group: page 3, Access Method – 3rd and 4th paragraphs)

means for generating metadata from accessed content pages to add to an index of metadata for accessed addressable locations at the data repository. (Network Working Group: page 2, Introduction 3rd paragraph)

Regarding claim 39, a program for searching a data repository managed by a content provider to gather indexable metadata on content at addresses locations at the data repository, wherein the program comprises code implemented in a computer readable medium capable of causing a computer to perform: (Network Working Group: Page 2, Introduction – 3 paragraphs)

accessing settings capable of being customized by the content provider, wherein the customized settings provide instructions on how to search the content provider's data repository; (Network Working Group: page 3, Access Method – 2 paragraphs)

accessing content pages at the content provider's data repository; (Network Working Group: page 3, Access Method – 3rd paragraph)

accessing the content of content pages at the content provider's data repository in accordance with instructions included in the accessed customized settings; and (Network Working Group: page 3, Access Method – 3rd and 4th paragraphs)

generating metadata from accessed content pages to add to an index of metadata 12 for accessed addressable locations at the data repository. 1 40. The method of claim 39, wherein the customized settings include 2 parameters and access methods unique to an arrangement of

content in the content 3 provider's data repository. (Network Working Group: page 2, Introduction 3rd paragraph)

The examiner relates these claims together (as show in rows). The examiner recognizes the distinction between a method, a system and a program but relates these to the code, features, and hardware for which the invention is implemented. The chart below relates to claims of 21-57 to their basis of claims 1-20

1	21	39
2	22	40
3	23	41
4	24	42
5	25	43
6	26	44
7	27	45
8	28	46
9	29	47
10	30	48
11	31	49
12	32	50
13	33	51
14	34	52
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16	36	54
17	37	55
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20		57

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Method for Web Robots Control", Internet Draft by *Network Working Group* in view of U.S. Patent No. 5,715,453 by Stewart. ("Stewart")

Claims 11 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Method for Web Robots Control", Internet Draft by *Network Working Group* in view of U.S. Patent No. 6,138,157 by Welter et al. ("Welter")

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Method for Web Robots Control", Internet Draft by *Network Working Group* in view of U.S. Patent No. 5,983,267 by Shklar et al. ("Shklar")

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over "A Method for Web Robots Control", Internet Draft by *Network Working Group* in view of U.S. Patent No. 6,138,157 by Welter et al. ("Welter") in further view of U.S. Patent No. 5,983,267 by Shklar et al. ("Shklar") and in further view of U.S. Patent No. 5,873,076 by Barr et al. ("Barr")

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Method for Web Robots Control", Internet Draft by *Network Working Group* in view of "Data Warehousing and the Web (Internet/Web/Online Service)", Government Computer News Vol. 18, Issue 4, 2/22/99 pp1-4 by Walker. (Applicant IDS)

The Network Working Group teaches a system of customizing web robot access to specified content pages on a web site for indexing. The Network Working Group does not explicitly state the use of query terms in its configuration file.

The Stewart reference teaches with regards to claim 5, (the method of claim 3,) wherein the accessed customizable settings provide query terms for at least one included addressable location, further comprising: (Stewart: col. 2, lines 7-21)

for each provided addressable location for which there are query terms, using the provided query terms at the provided addressable location to obtain query results; and (Stewart: col. 2, lines 7-21)

generating metadata from the obtained query results to add to the index of metadata for accessed addressable locations at the data repository. (Network Working Group: page 2, Introduction 3rd paragraph)

The Stewart reference further teaches that without these improvements in processing dynamic data for HTML pages, the adaptation of a web servers to accommodate new data sources will continue to be an impediment to web server efficiency and performance. (Stewart: col. 1, lines 66-67; col. 2, lines 1-4)

Therefore it would have been obvious to one of ordinary skill in the art to implement the customized configuration settings for robots as taught by the Network Working Group to incorporate the ability to query dynamic data in a webpage as taught by Stewart in order to increase server efficiency and performance.

Claims 6, 7 and 8 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Network Working Group and Stewart.

Regarding claim 6, the method of claim 5, wherein the accessed customizable settings further provide qualifiers for at least one search term, further comprising:

for each query term having at least one qualifier, determining whether the query results for the query term satisfy each qualifier for the query term (Stewart: col. 6, line 50- col. 7, line 2), wherein the metadata for the query result is generated if the query result satisfies each qualifier for the query term that generated the query result; and (Stewart: col. 6, line 50- col. 7, line 2)

performing a non-qualifying action for each query result that does not satisfy each qualifier. (Figure 8, tag 522)

Regarding claim 7, the method of claim 6, wherein the non-qualifying action comprises not including metadata for the query result in the index. (Stewart: Figure 8, tag 522; Network Working Group: page 2, Introduction 3rd paragraph)

Regarding claim 8, the method of claim 3, wherein the accessed customizable settings further provide a password (the examiner feels a username or password can be substituted or used interchangeably with a query term) for at least one provided addressable location, further comprising:

using the provided password to access the content page at the indicated addressable location for which the password is provided. (Stewart: col. 2, lines 7-21)

The Network Working Group teaches a system of customizing web robot access to specified content pages on a web site for indexing. The Network Working Group does not explicitly state error checking or web page verification.

The Welter reference teaches regarding claim 11, (the method of claim 1,) wherein the accessed customizable settings further indicate validation checking programs, further comprising: (Welter: col. 2, lines 23-26)

executing each validation checking program indicated in the accessed customizable settings against each accessed content page; (Welter: col. 2, lines 65-67)

generating a validation output result with the validation checking program for each accessed content page with each validation checking program describing characteristics of the content page; (Welter: col. 4, lines 40-47; col. 5, lines 64-67)

generating metadata from the validation output result to add to the index of metadata for accessed addressable locations at the data repository. (Network Working Group: page 2, Introduction 3rd paragraph)

The Welter reference further teaches that a method for testing a web site, which can test multiple features of web pages and can handle dynamic interactions with the web site would be desirable due to the complex interactivity permitted under the HTML standards and the dynamic interactions with the web pages. (Welter: col. 2, lines 9-15)

Therefore it would have been obvious to one of ordinary skill in the art to implement the customized configuration settings for robots as taught by the Network Working Group to incorporate settings for customized verification and test programs as taught by Welter in order to test multiple features of a web site and handle dynamic interaction within the web site.

Claims 12-14 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Network Working Group and Welter.

Regarding claim 12, the method of claim 11, wherein the accessed customizable settings further indicate at least one parameter to use with at least one validation checking program, further comprising:

using the at least one parameter when executing the validation checking program, wherein the validation output result further indicates characteristics of the content page related to the at least one parameter used with the validation checking program. (Welter: col. 6, lines 19-23; Figure 4B, tag 126)

Regarding claim 13, the method of claim 11, wherein the accessed customizable settings further indicate at least one qualifier to use with at least one validation checking program, further comprising:

determining whether the validation output result satisfies the at least one qualifier provided with the validation checking program producing the output result, wherein metadata for the output result is included in the index if the output result satisfies the qualifier. (Welter: col. 2, lines 28-33; col. 3, lines 11-16; col. 4, lines 40-47)

Regarding claim 14, the method of claim 13, wherein metadata for the content page at the addressable location is not included in the index if the validation output result does not satisfy the qualifier. (Network Working Group: page 2, Introduction 3rd paragraph)

The Network Working Group teaches a system of customizing web robot access to specified content pages on a web site for indexing. The Network Working Group does not explicitly state how it parses or reads the web pages or web documents for indexing.

The Shklar reference teaches regarding claim 15, (the method of claim 1,) further comprising:

determining a format of the accessed content page; (Shklar: col. 2, lines 13-15)

selecting one of a plurality parsers capable of parsing the determined format; and (Shklar: col. 2, lines 13-15)

parsing the content page using the selected parser, wherein the metadata to add to the index is generated from the parsed content page. (Shklar: col. 2, lines 24-31)

The Shklar reference further teaches the system that analyzes and pre-indexes stored data in real time (Shklar: col. 2, lines 1-4) because of the problems associated with many different file types like straight text losing its readability, word and page-layout documents requiring the proprietary formats and version management (Shklar: col. 1, lines 46-58)

Therefore it would have been obvious to one of ordinary skill in the art to implement the customized configuration settings for robots for indexing as taught by the Network Working Group to incorporate the features of indexing and real time file identification as taught by Shklar in order to read the many different file types without proprietary software or worrying about readability.

Claim 16 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Network Working Group and Shklar.

Regarding claim 16, the method of claim 1, further comprising:

determining a parser capable of parsing an embedded file referenced in the content page; (Shklar: col. 2, lines 13-15)

parsing the content of the referenced embedded file; and (Shklar: col. 2, lines 24-31)

generating metadata for the parsed content of the embedded file to add to the index. (Shklar: col. 2, lines 24-31)

The Network Working Group teaches a system of customizing web robot access to specified content pages on a web site for indexing. The Network Working Group does not explicitly state the intended purpose for the indexing or what is done with all of the metadata.

The Walker reference teaches regarding claim 19, (the method of claim 18,) further comprising commercializing the collected metadata. (Walker: page 1, paragraphs 1-3; where data warehouses are the collected metadata centers)

The Walker reference further teaches that the data warehouses save companies money and help spread information at a faster rate (Walker: page 2, paragraphs 5-7)

Therefore it would have been obvious to one of ordinary skill in the art to implement the robots for indexing and information metadata identification as taught by the Network Working Group to incorporate the feature of warehousing and commercializing the data indexed by the robot as taught by Walker in order to save money in distribution and storing data and to share the data more openly.

Claim 20 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Network Working Group and Walker.

Regarding claim 20, the method of claim 18, further comprising:

receiving an electronic subscription from content providers to use the collection tool and provide metadata. (Walker: page 3, paragraph 7)

The Network Working Group teaches a system of customizing web robot access to specified content pages on a web site for indexing. The Network Working Group does not explicitly state searching and indexing of multimedia files. The Shklar incorporates parsing and file identification but does not specify the indexing of multimedia files.

The Barr reference teaches a database search and retrieve system with files regarding claim 17, (the method of claim 14,) wherein the (embedded) file is encoded in a multimedia format. (Barr: col. 4, lines 10-33)

The Barr reference further teaches that there is a growing number of non-textual documents being published and that a system returning both multimedia and textual references could increase the relevancy of the query. (Barr: col. 1, lines 38-55)

Therefore it would have been obvious to one of ordinary skill in the art to implement the robots for indexing and information metadata identification as taught by the Network Working Group to incorporate the features of indexing and real time file identification as taught by Shklar and reading and indexing of multimedia files taught by Barr et al in order to index both textual and multimedia references for searching.

The examiner relates these claims together (as show in rows). The examiner recognizes the distinction between a method, a system and a program but relates these to the code, features, and hardware for which the invention is implemented. The chart below relates to claims of 21-57 to their basis of claims 1-20

1	21	39
2	22	40
3	23	41
4	24	42
5	25	43
6	26	44
7	27	45
8	28	46
9	29	47
10	30	48
11	31	49
12	32	50
13	33	51
14	34	52
15	35	53
16	36	54
17	37	55
18	38	56
19		
20		57

Therefore:

Claims 25-28 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over “A Method for Web Robots Control”, Internet Draft by *Network Working Group* in view of U.S. Patent No. 5,715,453 by Stewart. (“Stewart”)

Claims 31 - 34 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over “A Method for Web Robots Control”, Internet Draft by *Network Working Group* in view of U.S. Patent No. 6,138,157 by Welter et al. (“Welter”)

Claims 35-36 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over “A Method for Web Robots Control”, Internet Draft by *Network Working Group* in view of U.S. Patent No. 5,983,267 by Shklar et al. (“Shklar”)

Claim 37 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over “A Method for Web Robots Control”, Internet Draft by *Network Working Group* in view of U.S. Patent No. 5,983,267 by Shklar et al. (“Shklar”) in further view of U.S. Patent No. 5,873,076 by Barr et al. (“Barr”)

Claims 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over "A Method for Web Robots Control", Internet Draft by *Network Working Group* in view of "Data Warehousing and the Web (Internet/Web/Online Service)", Government Computer News Vol. 18, Issue 4, 2/22/99 pp1-4 by Walker. (Applicant IDS)

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,263,313 by Milsted et al.

U.S. Patent No. 5,999,940 by Ranger.

U.S. Patent No. 6,151,624 by Teare et al.

U.S. Patent No. 6,157,405 by Rosensteet et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2155

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324.

Benjamin R Bruckart
Examiner
Art Unit 2155

Brb



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER